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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 UNITED STATES OF AMERICA, No. 2:05-CR-00125-MCE  
11 Plaintiff,  
12 v. ORDER  
13 ANDREW FELITT BEDENFIELD,  
14 Defendant.  
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18 On March 10, 2009, this Court referred Defendant's Motion  
19 for Reduction of Sentence (Docket No. 307) to the Office of the  
20 Federal Defender. In a letter dated March 16, 2009, that Office  
21 responded to the Court taking the position that appointment of  
22 counsel is not warranted.

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Additionally, having independently reviewed Defendant's request, the Court now denies his Motion. Judgment was entered against Defendant on March 8, 2006. He now seeks relief under USSG § 4A1.2, as amended November 1, 2007, by Amendment 709, USSG app. C, amend. 709 (2007). However, because that amendment is not to be applied retroactively, Defendant's Motion is DENIED. United States v. Marler, 527 F.3d 874, 877 n.1 (9th Cir. 2008).

IT IS SO ORDERED.

Dated: April 29, 2009

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE